

Message Text

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PAGE 01 ZAGREB 01075 231023Z
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C O N F I D E N T I A L ZAGREB 1075

E.O. 11652: GDS
TAGS: CASC (POD,ELI)
SUBJECT: W/W ARREST CASE OF AMERICAN CITIZEN ELI POD

REF: ZAGREB 1069 AND PREVIOUS

1. CONGRESSMAN SIDNEY R. YATES AND SENATOR CHARLES PERCY INTERESTED.
2. CONSULAR OFFICER TELEPHONED DECEMBER 22 THE SUPERINTENDENT OF KARLOVAC PRISON TO INQUIRE IF SUBJECT HAD BEEN TRANSFERRED TO SREMSKA MITROVICA PRISON. THE SUPERINTENDENT CONFIRMED THAT POD HAD, IN FACT, BEEN TRANSFERRED ON MONDAY, DECEMBER 20.
3. THE CONSULATE GENERAL HAS TELEPHONED REPEATEDLY TO LAWYER BENIC AT KARLOVAC TO DETERMINE THE STATUS OF POD'S REQUEST FOR PARDON. BENIC HAS YET TO RETURN CONSULATE'S NUMEROUS CALLS.
4. CONOFF DISCUSSED CASE DECEMBER 21 WITH YUGOSLAV LAWYER KAZIMIR BACIC (VIJENAC 2, ZAGREB, TELEPHONE: (041) 423-964). BACIC STATED THAT AT THIS STAGE HE DOES NOT BELIEVE THAT THE DECISIONS OF THE MUNICIPAL AND REGIONAL COURTS CAN BE OVERTURNED. HE WAS OF THE OPINION THAT A CONVICTION UNDER ARTICLE 326 (1) OF THE YUGOSLAV
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PAGE 02 ZAGREB 01075 231023Z

CRIMINAL CODE COULD NOT BE APPEALED TO THE CROATIAN SUPREME COURT. WHEN ASKED TO CLARIFY THIS POINT, HE STATED THAT ACCORDING TO YUGOSLAV CRIMINAL PROCEDURE, A CONVICTION FOR A MINOR VIOLATION OF THE LAW IS NORMALLY ALLOWED ONLY ONE APPEAL. BECAUSE POD WAS FOUND GUILTY BY THE MUNICIPAL COURT AT OGULIN, HE WOULD BE ALLOWED ONLY

ONE APPEAL OF HIS CONVICTION, THAT IS, TO THE REGIONAL COURT AT KARLOVAC.

5. BACIC WAS ALSO OF THE OPINION THAT POD SHOULD NOT CHANGE LAWYERS. BACIC READ CONSULATE GENERAL'S COPY OF THE BILL OF INDICTMENT AS WELL AS THE DECISIONS OF THE MUNICIPAL AND REGIONAL COURTS. HE STATED THAT HE CONSIDERED IT UNFORTUNATE THAT LAWYER BENIC, IN THE APPEAL TO THE REGIONAL COURT, REQUESTED THAT THE "ORIGINAL SENTENCE BE ABOLISHED OR CHANGED TO A Milder SENTENCE FOR THE OFFENSE." BACIC CONSIDERED THIS AS BEING ALMOST AN ADMISSION OF GUILT.

6. UPON RECEIPT OF COPIES OF ALL COURT DOCUMENTS (PRESENTLY IN THE POSSESSION OF LAWYER BENIC), BACIC STATED THAT HE WOULD REVIEW THE CASE IN ITS ENTIRETY, GIVE HIS OPINION REGARDING OTHER MEANS OF LEGAL RECOURSE WHICH MIGHT BE OPEN, AND, IF JUSTIFIED, VISIT POD AT SREMSKA MITROVICA.

7. WOULD APPRECIATE DEPARTMENT'S INFORMING POD'S SISTER, MARIA POD, AND FRIEND, BLANCHE GERVAIS, ABOUT POD'S TRANSFER TO SREMSKA MITROVICA.
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